

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1997 SESSION

ERIC WEBB,)	
)	
APPELLANT,)	
)	No. 02-C-01-9602-CR-00057
)	
v.)	Shelby County
)	
)	Arthur T. Bennett, Judge
)	
)	(Post-Conviction Relief)
STATE OF TENNESSEE,)	
)	
APPELLEE.)	

FOR THE APPELLANT;

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant Eric Webb,¹ appeals as of right from a judgment of the trial court dismissing his suit for post-conviction relief following an evidentiary hearing. The appellant contends the trial court erroneously concluded he was afforded the effective assistance of counsel within the meaning of the United States Constitution and the Tennessee Constitution. After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this Court the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.²

JOE B. JONES, PRESIDING JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

JOE G. RILEY, JUDGE

¹The appellant was indicted, prosecuted and convicted as "Eric D. Webb." He has filed this suit using the name of "Eric Webb." It is the policy of this Court to use the name of the appellant as it appears on the first pleading filed in the cause. Thus, this case has been styled "Eric Webb v. State of Tennessee."

²The evidence presented by the appellant conflicts as to every material component of the issue presented for review, and these conflicts cannot be reconciled. The evidence presented by the state creates additional conflicts. Again, these conflicts cannot be reconciled with the petitioner's testimony. In summary, the evidence contained in the record does not preponderate against the findings of fact made by the trial court.